

## PATENT COOPERATION TREATY

92581-PCT

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
 EDWARD P. GAMSON  
 WELSH & KATZ, LTD.  
 120 S. RIVERSIDE PLAZA, 22ND FLOOR  
 CHICAGO, IL 60606

RECEIVED  
PCT

NOTIFICATION OF TRANSMISSION OF  
 THE INTERNATIONAL SEARCH REPORT AND  
 THE WRITTEN OPINION OF THE INTERNATIONAL  
 SEARCHING AUTHORITY, OR THE DECLARATION  
 (PCT Rule 44.1)

BEST AVAILABLE COPY

Applicant's or agent's file reference 849292581PCT		Date of mailing (day/month/year)
International application No. PCT/US04/23269	FOR FURTHER ACTION See paragraphs 1 and 4 below	
Applicant CREIGHTON UNIVERSITY	International filing date (day/month/year) 21 July 2004 (21.07.2004)	

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 Facsimile No. (703) 305-3230

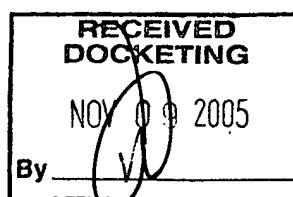
Authorized officer

Gary Benzion

Telephone No. 571-272-1600

(See notes on accompanying sheet)

Form PCT/ISA/220 (January 2004)



**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
 EDWARD P. GAMSON  
 WELSH & KATZ, LTD.  
 120 S. RIVERSIDE PLAZA, 22ND FLOOR  
 CHICAGO, IL 60606

**PCT**

NOTIFICATION OF TRANSMITTAL OF  
 THE INTERNATIONAL SEARCH REPORT AND  
 THE WRITTEN OPINION OF THE INTERNATIONAL  
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
 (day/month/year)

**04 NOV 2005**

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

Applicant's or agent's file reference  
 849292581PCT

International application No.  
 PCT/US04/23269

Applicant  
 CREIGHTON UNIVERSITY

International filing date  
 (day/month/year) 21 July 2004 (21.07.2004)

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
 no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 Facsimile No. (703) 305-3230

Authorized officer

Gary Benzion

Telephone No. 571-272-1600

*(See notes on accompanying sheet)*

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 84929258 PCT	FOR FURTHER ACTION as well as, where applicable, item 5 below.	See Form PCT/ISA/220
International application No. PCT/US04/23269	International filing date (day/month/year) 21 July 2004 (21-07-2004)	(Earliest) Priority Date (day/month/year) 21 July 2003 (21-07-2003)
Applicant CREIGHTON UNIVERSITY		
<p>This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.</p> <p>This international search report consists of a total of <u>4</u> sheets.</p> <p><input checked="" type="checkbox"/> It is also accompanied by a copy of each prior art document cited in this report.</p>		
<p>1. Basis of the Report</p> <p>a. <input type="checkbox"/> With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).</p> <p>b. <input type="checkbox"/> With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.</p> <p>2. <input checked="" type="checkbox"/> Certain claims were found unsearchable (See Box No. II)</p> <p>3. <input checked="" type="checkbox"/> Unity of invention is lacking (See Box No. III)</p> <p>4. With regard to the title,</p> <p><input checked="" type="checkbox"/> the text is approved as submitted by the applicant.</p> <p><input type="checkbox"/> the text has been established by this Authority to read as follows:</p> <p> </p> <p> </p> <p> </p> <p> </p> <p> </p> <p>5. With regard to the abstract,</p> <p><input checked="" type="checkbox"/> the text is approved as submitted by the applicant.</p> <p><input type="checkbox"/> the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.</p> <p>6. With regard to the drawings,</p> <p>a. the figure of the drawings to be published with the abstract is Figure No. _____</p> <p><input type="checkbox"/> as suggested by the applicant.</p> <p><input type="checkbox"/> as selected by this Authority, because the applicant failed to suggest a figure.</p> <p><input type="checkbox"/> as selected by this Authority, because this figure better characterizes the invention.</p> <p>b. <input checked="" type="checkbox"/> none of the figures is to be published with the abstract.</p>		

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/US04/232

**Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:  
Please See Continuation Sheet

A-

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**  The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/US04/2326

**A CLASSIFICATION OF SUBJECT MATTER**

IPC(7) C07H.21/02  
US CL 530/419

According to International Patent Classification (IPC) or to both national classification and IPC

**B FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S.: 530/419; 536/27, 28, 29, 25.4; 25.41; 935/20

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

**C DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Cook et al. "Use of Whole Blood Specimens for Routine Clinical Quantitation of Hepatitis C Virus RNA Does Not Increase Assay Sensitivity." Journal of Clinical Microbiology. December 2000, Vol 38, No. 12, Pages 4326-4331, Esp. Page 4327, Paragraphs 5,6,7	1,3,7-23
—		4-6
Y	Nuyts et al. "Efficient isolation of total RNA from Clostridium without DNA contamination." Journal of Microbiological Methods. 2001, 44, Pages 235-238, Esp. Page 236, Column 1, Paragraphs 3,4; Column 2, Paragraphs 1,2.	4-6
X	Salte de Paula et al. "Comparison of Four Extraction Methods to Detect Hepatitis A Virus RNA in Serum and Stool Samples." The Brazilian Journal of Infectious Diseases. April 2003, Vol 7, No: 2, Pages 135-141, Esp. Page 136, Paragraphs 4,5	1,3,6,7,19-16
—		2,5,8-12,17-23
X	US 5,346,994 (Chomczynski) 13 September 1994 (13.09.1994) Entire document. Esp Column 4, Lines 47-68, Column 5, Example 2.	1,3,6,7,13-16
—		2,5,8-12,17-23
A	US 4,843,155 (Chomczynski) 27 June 1989 (27.06.1989) Entire Document	1-23

Further documents are listed in the continuation of Box C

See patent family annex

•	Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A"	document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E"	earlier application or patent published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O"	document referring to an oral disclosure, use, exhibition or other means		
"P"	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

01 July 2005 (01.07.2005)

Date of mailing of the international search report

04 NOV 2005

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Faxsimile No. (703) 305-3230

Authorized officer

Gary Benzon

Telephone No. 571-272-1600

**INTERNATIONAL SEARCH REPORT**

International Application No.  
PCT/US04/23269

**BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING**

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

I. Group I, claim(s) 1-14 and 16-23, drawn to a method of isolation RNA and kit thereof.

II. Group II, claim(s) 15, drawn to a composition.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: They are unified only by the composition of Group II, which is well known in the art. For example, Chomcynski (U.S. 5,346,994) discloses a solvent solution comprising guanidinium thiocyanate, ammonium thiocyanate, a sodium acetate buffer, glycol, and phenol.

The composition of Group II cannot therefore be considered as a special technical feature, as lack of unity rules hold that a feature known to a person of ordinary skill in the art makes no advance over the prior art.

The expression "special technical feature" refers to those features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Thus, a feature found in the prior art can not be considered to be a special technical feature.

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
EDWARD P. GAMSON  
WELSH & KATZ, LTD.  
120 S. RIVERSIDE PLAZA, 22ND FLOOR  
CHICAGO, IL 60606

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

04 NOV 2005

## FOR FURTHER ACTION

See paragraph 2 below.

Applicant's or agent's file reference

849292581PCT

International application No.

PCT/US04/23269

International filing date (day/month/year)

21 July 2004 (21.07.2004)

Priority date (day/month/year)

21 July 2003 (21.07.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): C07H 21/02 and US Cl.: 530/419

Applicant

CREIGHTON UNIVERSITY

## 1. This opinion contains indications relating to the following items.



Box No. I

Basis of the opinion



Box No. II

Priority



Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV

Lack of unity of invention



Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI

Certain documents cited



Box No. VII

Certain defects in the international application



Box No. VIII

Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

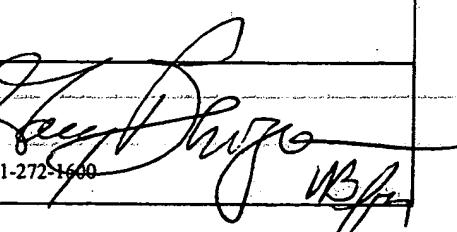
Mail-Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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Authorized officer

Gary Benzon

Telephone No. 571-272-1600

Form PCT/ISA/237 (cover sheet) (January 2004)



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International Application No.

PCT/US04/23269

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International Application No.

PCT/US04/23269

**Box No. IV. Lack of unity of invention**

1.  In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:  
 paid additional fees  
 paid additional fees under protest  
 not paid additional fees

2.  This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is:  
 complied with  
 not complied with for the following reasons  
See the lack of unity section of the International Search Report (Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:  
 all parts.  
 the parts relating to claims Nos. \_\_\_\_\_

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/23269

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-23</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-23</u>	NO
Industrial applicability (IA)	Claims <u>1-23</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

**Claims 1-3 and 7-23 lack novelty under PCT Article 33(2) as being anticipated by Cook et al.**

Cook et al. disclose an RNA extraction method wherein white blood cells are first treated with Catrimox, a cationic surfactant detergent; RNA is then extracted with the Trizol method, a method wherein RNA is isolated with the treatment of guanidine isothiocyanate, phenol, choloform, and isopropanol (Page 4327, Paragraphs 5,6,7).

Claims 4-6 lack an inventive step under PCT Article 33(3) as being obvious over Cook et al., in view of Nuyts et al.

The methods of Cook et al. have been described in the above statement. Cook et al. do not specifically disclose their method being used to extract RNA from a microorganism such as gram-positive bacteria.

Nuyts et al. disclose several gram-positive bacterial RNA isolation methods wherein guanidine isothiocyanate is included in the lysis buffer (Page 236, Column 1, Paragraph 4; Column 2, Paragraph 1). Furthermore, Nuyts et al disclose methods wherein sodium dodecyl (lauryl) sulfate as well as acid-phenol are used to isolate RNA (Page 236, Column 1, Paragraph 3).

One of ordinary skill in the art at the time of invention would have been motivated to apply the RNA isolation methods of Cook et al. to gram-positive bacteria based on the disclosure of Nuyts et al.

**Claims 1-23 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.**

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers;  
claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated elected Office, see the *PCT Applicant's Guide*, Volume II.

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